

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 1, 2008

No. 07-30807
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

KENNETH L MOSES

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:06-CR-9-1

Before STEWART, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Kenneth L. Moses appeals his conviction for being a felon in possession of a firearm. He argues that the district court erred in denying his motion to suppress when it determined that the decision to stop his vehicle was reasonable because the officer had probable cause to believe that a traffic violation had occurred. We review the evidence in the light most favorable to the Government, *United States v. Foy*, 28 F.3d 464, 474 (5th Cir. 1994), reviewing the district court's factual findings for clear error, *United States v. Cantu*, 230 F.3d 148, 150

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(5th Cir. 2000), and the legality of the investigative stop de novo. *United States v. Jaquez*, 421 F.3d 338, 341 (5th Cir. 2005).

The district court found that Moses's driving, as described by the arresting officer at the suppression hearing, violated Louisiana's careless operation of a vehicle statute, LA. REV. STAT. ANN. 32:58. As such, the district court implicitly found credible the officer's testimony regarding the manner in which Moses was operating his vehicle. Moses challenges that testimony as implausible based on the physical evidence. Our review of the testimony and physical evidence, however, does not support a determination that the district court clearly erred in finding the officer's testimony credible. See *United States v. Logan*, 949 F.2d 1370, 1377 (5th Cir. 1991).

AFFIRMED.